

AMENDED IN SENATE JULY 13, 2015

AMENDED IN SENATE JUNE 30, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1535**

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**Introduced by Committee on Elections and Redistricting (Assembly Members Ridley-Thomas (Chair), Gatto, Gordon, Mullin, and Perea)**

March 25, 2015

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An act to amend Sections 103, 3106, 4108, 9602, 10404, 10505, and 11303 of the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1535, as amended, Committee on Elections and Redistricting. Elections.

Existing law authorizes a voter who has signed an initiative, referendum, or recall petition to remove his or her name from the petition by filing a written request to do so with the appropriate county elections official prior to the day the petition is filed.

This bill would require the written request filed with the elections official to include the voter's name, residence address, and signature.

Existing law sets forth procedures for voting by military or overseas voters, as defined, and permits a military or overseas voter to return his or her ballot by facsimile transmission, accompanied by an oath of voter declaration that includes the voter's signature. Existing law prescribes the contents of the oath of voter declaration and requires, among other things, the voter to provide his or her current mailing address.

The bill would modify the oath of voter declaration form to indicate that the residence address is the last U.S. residence for voter qualification purposes.

Existing law permits a district to conduct an election by all-mailed ballots. Existing law also permits political subdivisions to consolidate their elections in certain circumstances.

The bill would permit a district conducting an election by all-mailed ballots to consolidate its election with one or more other political subdivisions that are also conducting their elections wholly by mail, if certain conditions are satisfied.

Existing law permits the governing body of a special district to consolidate its elections of governing body members in November of odd-numbered years with the statewide general election.

The bill would expand that authorization to special district elections of governing body members in any month of odd-numbered years.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 103 of the Elections Code is amended to  
2 read:

3     103. A voter who has signed an initiative, referendum, or recall  
4 petition pursuant to the Constitution or laws of this state shall have  
5 his or her signature withdrawn from the petition upon filing a  
6 written request that includes the voter's name, residence address,  
7 and signature with the appropriate county elections official or city  
8 elections official prior to the day the petition is filed. A written  
9 request made under this section shall not constitute a petition or  
10 paper for purposes of Section 104.

11     SEC. 2. Section 3106 of the Elections Code is amended to read:

12     3106. (a) A military or overseas voter who is living outside  
13 of the territorial limits of the United States or the District of  
14 Columbia, or is called for military service within the United States  
15 on or after the final date to make application for a vote by mail  
16 ballot, may return his or her ballot by facsimile transmission. To  
17 be counted, the ballot returned by facsimile transmission shall be  
18 received by the voter's elections official no later than the closing  
19 of the polls on election day and shall be accompanied by an  
20 identification envelope containing all of the information required

1 by Section 3011 and an oath of voter declaration in substantially  
2 the following form:

3  
4 "OATH OF VOTER

5 I, \_\_\_\_\_, acknowledge that by returning my voted  
6 ballot by facsimile transmission I have waived my right to have my ballot  
7 kept secret. Nevertheless, I understand that, as with any vote by mail  
8 voter, my signature, whether on this oath of voter form or my identification  
9 envelope, will be permanently separated from my voted ballot to maintain  
10 its secrecy at the outset of the tabulation process and thereafter.

11  
12 My residence address (last U.S. residence for voter qualification purposes)  
13 is \_\_\_\_\_.  
14 (Street Address) (City) (ZIP Code)

15  
16 My current mailing address is \_\_\_\_\_.  
17 (Street Address) (City) (ZIP Code)

18  
19 My email address is \_\_\_\_\_. My facsimile transmission  
20 number is \_\_\_\_\_.

21  
22 I am a resident of \_\_\_\_\_ County, State of California, or am qualified  
23 as an elector pursuant to paragraph (2) of subdivision (b) of Section 321 of  
24 the Elections Code and I have not applied, nor intend to apply, for a vote by  
25 mail ballot from any other jurisdiction for the same election.

26  
27 I declare under penalty of perjury under the laws of the State of California  
28 that the foregoing is true and correct.

29  
30 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

31  
32 (Signature) \_\_\_\_\_  
33 (voter) (power of attorney cannot be accepted)

34  
35 YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE  
36 ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT AND  
37 IDENTIFICATION ENVELOPE, ALL OF WHICH ARE RETURNED  
38 BY FACSIMILE TRANSMISSION."  
39

(b) Notwithstanding the voter's waiver of the right to a secret ballot, each elections official shall adopt appropriate procedures to protect the secrecy of ballots returned by facsimile transmission.

(c) Upon receipt of a ballot returned by facsimile transmission, the elections official shall determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's affidavit of registration or any signature permitted for comparison under Section 3019. The ballot shall be duplicated and all materials preserved according to procedures set forth in this code.

(d) Notwithstanding subdivision (a), a military or overseas voter who is permitted to return his or her ballot by facsimile transmission is, nonetheless, encouraged to return his or her ballot by mail or in person if possible. A military or overseas voter should return a ballot by facsimile transmission only if doing so is necessary for the ballot to be received before the close of polls on election day.

SEC. 3. Section 4108 of the Elections Code is amended to read:

4108. (a) Notwithstanding any other ~~provisions of~~ law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000).

(b) (1) A district conducting an election by all-mailed ballots may consolidate its election with the election of one or more other legislative or congressional districts, public districts, cities, counties, or other political subdivisions if all of the elections to be consolidated will be:

(A) Held on the same day.

(B) Held in the same territory or in a territory that is in part the same.

(C) Conducted wholly by mail.

(2) A district consolidating its election pursuant to subdivision (a) shall order the consolidation pursuant to Section 10400.

(3) *A district election that is consolidated with an all-mailed ballot election for a legislative or congressional district shall also comply with any additional statutory requirements that apply to the all-mailed ballot election for that legislative or congressional district.*

1 (c) An election conducted pursuant to this section shall be held  
2 on a date prescribed in Section 1500 or on any other date other  
3 than an established election date.

4 SEC. 4. Section 9602 of the Elections Code is amended to read:

5 9602. A voter who has signed an initiative or referendum  
6 petition, and who subsequently wishes his or her name withdrawn,  
7 may do so by filing a written request for the withdrawal with the  
8 appropriate elections official that includes the voter's name,  
9 residence address, and signature. This request shall be filed in the  
10 elections official's office prior to the date the petition is filed. A  
11 written request made under this section shall not constitute a  
12 petition or paper for purposes of Section 104.

13 SEC. 5. Section 10404 of the Elections Code is amended to  
14 read:

15 10404. (a) This section applies only to special districts electing  
16 members of the governing body in odd-numbered years. As used  
17 in this section, "special district" means an agency of the state  
18 formed pursuant to general law or special act, for the local  
19 performance of governmental or proprietary functions within  
20 limited boundaries, except a city, county, city and county, school  
21 or community college district, or special assessment district.

22 (b) Notwithstanding any other ~~provision of~~ law, a governing  
23 body of a special district may, by resolution, require that its  
24 elections of governing body members be held on the same day as  
25 the statewide general election.

26 (1) The resolution setting the election shall also include dates  
27 that are consistent with the primary or general election with respect  
28 to nominations, notices, canvass of votes, certification of election,  
29 and all other procedural requirements of this code pertaining to  
30 the primary or general election.

31 (2) The resolution shall be submitted to the board of supervisors  
32 no later than 240 days prior to the date of the currently scheduled  
33 district election.

34 (c) The board of supervisors shall notify all districts located in  
35 the county of the receipt of the resolution to consolidate and shall  
36 request input from each district on the effect of consolidation.

37 (d) The elections official shall prepare and transmit to the board  
38 of supervisors an impact analysis of the proposed consolidation.

39 (e) The board of supervisors, within 60 days from the date of  
40 submission, shall approve the resolution unless it finds that the

1 ballot style, voting equipment, or computer capacity is such that  
2 additional elections or materials cannot be handled. Prior to the  
3 adoption of a resolution to either approve or deny a consolidation  
4 request, the board or boards of supervisors shall each obtain from  
5 the elections official a report on the cost-effectiveness of the  
6 proposed action.

7 (f) Within 30 days after the approval of the resolution, the  
8 elections official shall notify all registered voters of the districts  
9 affected by the consolidation of the approval of the resolution by  
10 the board of supervisors. The notice shall be delivered by mail and  
11 at the expense of the district.

12 (g) Public notices of the proceedings in which the resolution is  
13 to be considered for adoption shall be made pursuant to Section  
14 25151 of the Government Code.

15 (h) If a special district is located in more than one county, the  
16 special district may not consolidate an election if any county in  
17 which the special district is located denies the request for  
18 consolidation.

19 (i) If, pursuant to subdivision (b), a special district election is  
20 held on the same day as the statewide general election, those  
21 governing body members whose terms of office would have, prior  
22 to the adoption of the resolution, expired prior to that election  
23 shall, instead, continue in their offices until their successors are  
24 elected and qualified, but in no event shall the term be extended  
25 beyond December 31 of the year following the year in which the  
26 request for consolidation is approved by the board of supervisors.

27 (j) If a board of supervisors approves the resolution pursuant to  
28 subdivision (e), the special district election shall be conducted on  
29 the date specified by the board of supervisors, in accordance with  
30 subdivision (a), unless the approval is later rescinded by the board  
31 of supervisors.

32 (k) If the date of a special district election is changed pursuant  
33 to this section, at least one election shall be held before the  
34 resolution, as approved by the board of supervisors, may be  
35 subsequently repealed or amended.

36 SEC. 6. Section 10505 of the Elections Code is amended to  
37 read:

38 10505. The terms of office of elective officers in all new  
39 districts shall be determined as follows:

1 (a) If the district is formed in an odd-numbered year, the officers  
2 elected at the formation election shall hold office until noon on  
3 the first Friday in December of the next following odd-numbered  
4 year, provided officers elected at an election held on the first  
5 Tuesday after the first Monday in November shall hold office as  
6 provided in subdivision (c).

7 (b) If the district is formed in an even-numbered year, the  
8 officers elected at the formation election shall hold office until  
9 noon on the first Friday in December of the second next following  
10 odd-numbered year.

11 (c) The directors elected at the first general district election held  
12 in a district and at a formation election held at the same time as  
13 the general district election shall meet as soon as practicable after  
14 taking office and classify themselves by lot into two classes, as  
15 nearly equal in number as possible, and the terms of office of the  
16 class having the greater number shall be four years and the terms  
17 of office of the class having the lesser number shall be two years.  
18 All other elective officers elected at the election shall hold office  
19 for a term of four years or until their successor is elected and  
20 qualifies.

21 (d) Pursuant to Section 10404, a special district electing  
22 members of the governing body in odd-numbered years may, by  
23 resolution, require that its elections of governing body members  
24 be held on the same day as the statewide general election.

25 SEC. 7. Section 11303 of the Elections Code is amended to  
26 read:

27 11303. A voter who has signed a recall petition shall have his  
28 or her signature withdrawn from the petition upon filing a written  
29 request that includes the voter's name, residence address, and  
30 signature with the elections official prior to the day the petition  
31 section bearing the voter's signature is filed. A written request  
32 made under this section shall not constitute a petition or paper for  
33 purposes of Section 104.